

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of )  
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Frank Rösl et al ) Group Art Unit: Unassigned  
 )  
Application No.: Unassigned ) Examiner: Unassigned  
 )  
Filed: July 6, 2001 )  
 )  
For: NOVEL REGULATORY )  
SEQUENCES OF THE MCP-1 GENE )

**PRELIMINARY AMENDMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Before examination of the referenced application, kindly amend claims 5, 7, 9, 11,  
14 and 15 as follows:

**IN THE CLAIMS:**

5. (Amended once) The nucleic acid molecule of claim 1, wherein the  
hypersensitivity sequences (b) contain mutations resulting in a modified DNase I  
hypersensitivity, S1 hypersensitivity and/or altered interaction with transcription factors.

7. (Amended once) A recombinant vector containing the nucleic acid molecular of  
claim 1.

9. (Amended once) A recombinant host cell which contains a nucleic acid molecule  
according to claim 1.

11. (Amended once) A pharmaceutical composition comprising a compound which is capable of regulating the expression of the MCP-1 gene by directly or indirectly interacting with the nucleic acid sequence (b) of claim 1.

14. (Amended once) A method for the treatment of atherosclerosis or cancer comprising administering an effective amount of the nucleic acid molecule of claim 1 to a patient in need of such treatment.

15. (Amended once) The method according to claim 14, wherein the cancer is a cervical carcinoma.

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REMARKS

Entry of the foregoing amendments are respectfully requested. The amendments to the claims are supported at least by the claims as originally filed. These amendments do not introduce any prohibited new matter and serve to more distinctly claim the subject matter.

Should the Examiner have any questions concerning the subject application, a telephone call to the undersigned would be appreciated.

Respectfully submitted,

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**Attachment to Preliminary Amendment dated July 6, 2001**

**Marked-up Claims 5, 7, 9, 11, 14, 15**

5. (Amended once) The nucleic acid molecule of [any one of claims 1 to 4] claim 1, wherein the hypersensitivity sequences (b) contain mutations resulting in a modified DNase I hypersensitivity, S1 hypersensitivity and/or altered interaction with transcription factors.

7. (Amended once) A recombinant vector containing the nucleic acid molecular of [any one of claim 1 to 6] claim 1.

9. (Amended once) A recombinant host cell which contains a nucleic acid molecule according to [any one of claims 1 to 6 or the recombinant vector of claim 7 or 8] claim 1.

11. (Amended once) A pharmaceutical composition comprising a compound which is capable of regulating the expression of the MCP-1 gene by directly or indirectly interacting with the nucleic acid sequence (b) of [any one of claims 1 to 6 or the recombinant vector of claim 7 or 8] claim 1.

14. (Amended once) [Use of the compounds as defined in any one of claims 11 to 13 for the preparation of a medicament] A method for the treatment of atherosclerosis or cancer comprising administering an effective amount of the nucleic acid molecule of claim 1 to a patient in need of such treatment.

09899276-070601

**Attachment to Preliminary Amendment dated July 6, 2001**

### Marked-up Claims 5, 7, 9, 11, 14, 15

15. (Amended once) [Use] The method according to claim 14, wherein the cancer is a cervical carcinoma.

Parameter	Unit	Value
Initial concentration	mg/L	100
Initial pH		7.0
Temperature	°C	25
Time	h	0, 1, 2, 4, 8, 16, 32, 64, 128, 256, 512, 1024, 2048, 4096, 8192, 16384, 32768, 65536, 131072, 262144, 524288, 1048576, 2097152, 4194304, 8388608, 16777216, 33554432, 67108864, 134217728, 268435456, 536870912, 1073741824, 2147483648, 4294967296, 8589934592, 17179869184, 34359738368, 68719476736, 137438953472, 274877906944, 549755813888, 1099511627776, 2199023255552, 4398046511104, 8796093022208, 17592186044416, 35184372088832, 70368744177664, 140737488355328, 281474976710656, 562949953421312, 1125899906842624, 2251799813685248, 4503599627370496, 9007199254740992, 18014398509481984, 36028797018963968, 72057594037927936, 144115188075855872, 288230376151711744, 576460752303423488, 1152921504606846976, 2305843009213693952, 4611686018427387904, 9223372036854775808, 18446744073709551616, 36893488147419103232, 73786976294838206464, 147573952589676412928, 295147905179352825856, 590295810358705651712, 1180591620717411303424, 2361183241434822606848, 4722366482869645213696, 9444732965739290427392, 18889465931478580854784, 37778931862957161709568, 75557863725914323419136, 151115727451828646838272, 302231454903657293676544, 604462909807314587353088, 1208925819614629174706176, 2417851639229258349412352, 4835703278458516698824704, 9671406556917033397649408, 19342813113834066795298816, 38685626227668133590597632, 77371252455336267181195264, 154742504910672534362390528, 309485009821345068724781056, 618970019642690137449562112, 1237940039285380274899124224, 2475880078570760549798248448, 4951760157141521099596496896, 9903520314283042199192993792, 19807040628566084398385987584, 39614081257132168796771975168, 79228162514264337593543950336, 158456325028528675187087900672, 316912650057057350374175801344, 633825300114114700748351602688, 1267650600228229401496703205376, 2535301200456458802993406410752, 5070602400912917605986812821504, 10141204801825835211973625643008, 20282409603651670423947251286016, 40564819207303340847894502572032, 81129638414606681695789005144064, 162259276829213363391578010288128, 324518553658426726783156020576256, 649037107316853453566312041152512, 1298074214633706907132624082305024, 2596148429267413814265248164610048, 5192296858534827628530496329220096, 10384593717069655257060992658440192, 20769187434139310514121985316880384, 41538374868278621028243970633760768, 83076749736557242056487941267521536, 166153499473114484112975882535043072, 332306998946228968225951765070086144, 664613997892457936451903530140172288, 1329227995784915872903807060280344576, 2658455991569831745807614120560689152, 5316911983139663491615228241121378304, 10633823966279326983230456482242756608, 21267647932558653966460912964485513216, 42535295865117307932921825928971026432, 85070591730234615865843651857942052864, 170141183460469231731687303715884105728, 340282366920938463463374607431768211456, 680564733841876926926749214863536422912, 1361129467683753853853498429727072845824, 2722258935367507707706996859454145691648, 5444517870735015415413993718908291383296, 10889035741470030830827987437816582766592, 21778071482940061661655974875633165533184, 43556142965880123323311949751266331066368, 87112285931760246646623899502532662132736, 174224571863520493293247799005065324265472, 348449143727040986586495598010130648530944, 696898287454081973172991196020261297061888, 1393796574908163946345982392040522594123776, 2787593149816327892691964784081045188247552, 5575186299632655785383929568162090376495104, 11150372599265311570767859136324180752990208, 22300745198530623141535718272648361505980416, 44601490397061246283071436545296723011960832, 89202980794122492566142873090593446023921664, 178405961588244985132285746181186892047843328, 356811923176489970264571492362373784095686656, 713623846352979940529142984724747568191373312, 1427247692705959881058285969449495136382746624, 2854495385411919762116571938898990272765493248, 5708990770823839524233143877797980545530986496, 11417981541647679048466287755595961091061972992, 228359